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TO: EXAMINER N. NGUYEN  
GROUP ART UNIT: 2164

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F001110-1063

NO. 1487 P. 2  
**PATENT**  
Attorney Docket No. 202231  
Date: November 5, 2001

In re Application of: Timothy C. Sowell  
Application No. 09/418,943  
Filed: 10/15/99  
For: DISTRIBUTING AND BILLING SOFTWARE ACCORDING  
TO CUSTOMER USE OF PROGRAM MODULES

**COMMISSIONER FOR PATENTS**  
Washington, D.C. 20231

Sir:

Transmitted herewith is a response to an office action in the subject application.

☐ Applicants claim small entity status of this application under 37 CFR 1.27.

☒ Petition for Extension of Time

- ☒ Applicant petitions for a two-month extension of time under 37 CFR 1.136, the fee for which is \$400.00 (enclosed).  
☐ Applicants believe that no petition for an extension of time is necessary. However, to the extent that such petition is deemed necessary, Applicants hereby petition for a sufficient extension of time to render the present submission timely. Please charge Deposit Account No. 12-1216 for the appropriate petition fee.

☒ No additional claim fee is required.

The claim fee has been calculated as shown below:

|                          |   |       |   |                            | SMALL ENTITY |                        | OTHER THAN A<br>SMALL ENTITY |                        |
|--------------------------|---|-------|---|----------------------------|--------------|------------------------|------------------------------|------------------------|
|                          | CLAIMS<br>REMAINING<br>AFTER<br>AMENDMENT |       | HIGHEST<br>NUMBER<br>PREVIOUSLY<br>PAID FOR | EXTRA<br>CLAIMS<br>PRESENT | RATE         | ADDIT.<br>CLAIM<br>FEE | RATE                         | ADDIT.<br>CLAIM<br>FEE |
| TOTAL                    | 47  | MINUS | 73  | =0                         | x 9=         | \$                     | x 18=                        | \$0.00                 |
| INDEPENDENT              | 5   | MINUS | 13  | =0                         | x 42=        | \$                     | x 84=                        | \$0.00                 |
| <input type="checkbox"/> | FIRST PRESENTATION OF MULTIPLE CLAIM      |       |   |                            | + 140=       | \$                     | + 280=                       | \$                     |
|                          |   |       |   |                            | TOTAL        | \$                     | TOTAL                        | \$0.00                 |

☒ Please charge my Deposit Account No. 12-1216 in the amount of \$400.00. A duplicate copy of this sheet is attached.

☐ A check in the amount of \$ is attached.

☒ The Commissioner is hereby authorized to charge any deficiencies in the following fees associated with this communication or credit any overpayment to Deposit Account No. 12-1216. A duplicate copy of this sheet is attached.

- ☒ Any filing fees under 37 CFR 1.16 for the presentation of extra claims.  
☒ Any patent application processing fees under 37 CFR 1.17.

Respectfully submitted,

LEYDIG, VOIT & MAYER, LTD.

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By   
Mark Joy, Reg. No. 35,562

PATENT  
Attorney Docket No. 202231

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Timothy C. Sowell

Group Art Unit: 2164

Serial No. 09/418,943

Examiner: N. Nguyen

Filed: Oct. 15, 1999

For: Distributing and Billing Software  
According to Customer Use of Program  
Modules# 9/A  
11-15-01  
B. HilliardAMENDMENT AND REQUEST FOR RECONSIDERATIONAssistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

In response to the Office Action dated June 6, 2001, please enter the following amendments and consider the following remarks. Reconsideration of the prior grounds for rejection and allowance of all the presently pending claims 1-44 and 53-55 are respectfully requested in view of Applicant's amendments and remarks. Applicant has requested an extension for response within the second month and authorize withdrawal from Deposit Account No. 12-1216 of \$400.00 to cover the extension fee.

IN THE CLAIMSPlease amend claim 34 as follows:

34. (Once Amended) The method of claim 31 wherein registering use of the downloadable module provides a measure of throughput of an industrial process.

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